

Patent
10/763,542REMARKS

Claims 1-4 are pending in the application. Claims 1, 3 and 4 are independent.

First, Applicant notes with appreciation the indication in the Action that independent Claim 3 is allowable over the art of record.

The drawings were objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims. Specifically, the Action notes that the "gear pump of claims 1 and 2 must be shown or the feature canceled from the claims". This issue is addressed in the accompanying replacement drawing sheet for Figure 10. Withdrawal of the objection to the drawings is requested.

Claim 4 was rejected under 35 USC 102(c) as being anticipated by US Patent 5,837,003 (Ginsburg). Claims 1 and 2 were rejected under 35 USC 103(a) as being unpatentable over Ginsburg. Each of these rejections is traversed and reconsideration is requested.

Each of independent Claims 1 and 4 has been amended herein to recite *a smooth flexible tube connecting at least some of said heat transfer segments to adjacent said heat transfer segments*. Applicants respectfully submit that Ginsburg fails to teach or suggest an endovascular heat transfer device that includes such an element.

For at least the foregoing reason, amended independent Claims 1 and 4 are believed to be patentable over Ginsburg and reconsideration is respectfully requested.

Dependent Claim 2 is believed to be clearly patentable for the reason indicated above with respect to amended independent Claim 1 from which it depends, and even further distinguishes over Ginsburg by reciting additional limitations.

Since the Applicant has fully responded to the rejection set out in the Office Action, it is respectfully submitted that in regard to the above amendment and remarks that the pending application is patentable over the art of record and prompt review and issuance is accordingly requested. Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, request is made that the Examiner telephone the

Patent
10/763,542

Applicant's undersigned attorney at (908) 518-7700 in order that any outstanding issues may be resolved.

Respectfully submitted,


Karin L. Williams Registration No 36,721

Please Continue to Send All Correspondence to:

Mark D. Wieczorek
Innercool Therapies, Inc.
3931 Sorrento Valley Blvd.
San Diego CA 92121